

101575633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
[AP20 Rec'd CPN/TU U7 APR 2006]

Applicants: Avolio, et al.

Serial No. Not Yet Assigned

Art Unit: Not Yet Assigned

Filed: April 6, 2006

Examiner: Not Yet Assigned

For: INDOLES AND AZAINDOLES AS ANTIVIRAL AGENTS

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT April 7, 2006

EXPRESS MAIL NO. EV666601454US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

MAILED BY Dawn J. Sheppard

DATE 4-7-06

10/575633

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## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*

no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Kenneth R. Walton

Attorney For Applicant(s)

Reg. No. 32,951

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

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(732)594-3462

Date: April 7, 2006

**Substitute for form 1449A/PTO**

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Substitute for form 1449A/PTO		<b>COMPLETE IF KNOWN</b>	
<b>INFORMATION DISCLOSURE</b>		Application Number	Not Yet Assigned <b>10/575633</b>
<b>STATEMENT BY APPLICANT</b>		Filing Date	April 7, 2006
(use as many sheets as necessary)		First Named Inventor	Avolio, et al.
		Group Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Sheet	1	of	2
		Attorney Docket Number	

## **U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
3	EP	1162196		A1	Japan Tobacco Inc. (Corresponds to WO01/47883)	12/12/2001
4	WO	02/04425		A2	Boehringer Ingelheim (Canada) Ltd.	01/17/2002
5	EP	1400241		A1	Japan Tobacco Inc. (Corresponds to WO03/000254)	03/24/2004
6	WO	03/010140		A2	Boehringer Ingelheim (Canada) Ltd.	02/06/2003
7	WO	03/010141		A2	Boehringer Ingelheim (Canada) Ltd.	02/06/2003
8	WO	04/065367		A1	Boehringer Ingelheim International GMBH	08/05/2004

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**SEND TO:** Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer-generated form "IDS Form" (IDS Folder), Merck & Co., Inc., -7/12/2005.

<p>Substitute for form 1449B/PTO</p> <p><b>INFORMATION DISCLOSURE</b></p> <p><b>STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>				<b>COMPLETE IF KNOWN</b>	
				Application Number	Not Yet Assigned <b>10/575633</b>
				Filing Date	April 7, 2006
				First Named Inventor	Avolio, et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	ITT0061P

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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